

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

TIA COLEMAN, *et al.*

Plaintiffs

vs.

RIPLEY ENTERTAINMENT, INC., *et al.*

Defendants

CIVIL ACTION NO. 6:18-03280-MDH

**DEFENDANTS, BRANSON DUCK VEHICLES, LLC AND RIPLEY
ENTERTAINMENT, INC.'S, MOTION FOR LIMITED LIFT OF STAY**

Defendants, Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. (“Defendants”), hereby move for a limited lifting of the stay that was entered by this Court on November 30, 2018 (*see* Doc. 88, Notice of Stay of this Action Under the Limitation of Liability Act). Defendants request that the stay be lifted in this case for the limited purpose of allowing a wrongful death settlement that was reached between Plaintiffs and Defendants to be presented to, and reviewed and approved by, the court as is required by Missouri law. In support of this motion Defendants state:

1. On October 15, 2018, Defendants filed their Verified Complaint for exoneration from or limitation of liability, pursuant to the Limitations of Liability Act, 46 U.S.C. § 30501, *et seq.* *See* Cause No. 6:18-cv-03339 (the “LOL Lawsuit”) pending in the United States District Court, Western District of Missouri, Southern Division.

2. On November 30, 2018, this Court entered an Order in the LOL Lawsuit, which, among other things, enjoined the further prosecution of any action or proceeding against Defendants or Defendants’ property relating to the incident on July 19, 2018 until such time as a

hearing and determination of the LOL Lawsuit, including a decision regarding the applicability of the Limitation of Liability Act, has been rendered.

3. One of the cases stayed as a result of the November 30, 2018 Order is this wrongful death action brought by Tia Coleman, the beneficiary of Glenn Coleman, Reece Coleman, Evan Coleman, and Arya Coleman (“Decedents”). Specifically, Tia Coleman has made claims for the wrongful death of Decedents pursuant to Mo. Rev. Stat. §537.080. This lawsuit also includes a survivor action brought by and on behalf of Tia Coleman.

4. Tia Coleman also filed a claim in the LOL Lawsuit on December 21, 2018 (*see* Doc. 26).

5. Tia Coleman has reached a Confidential Settlement Agreement with certain Defendants, including Ripley Entertainment, Inc. and Branson Duck Vehicles, LLC, and other Released Parties. No settlement has been reached as to Defendants, Ride the Ducks International LLC, Ride the Ducks of Branson, LLC, or Herschend Family Entertainment Corporation.

6. Under Missouri law, a wrongful death settlement requires Court approval. Mo. Rev. Stat. § 537.095.1.

7. As such, Defendants ask that this Court lift the stay only to the extent it applies to this lawsuit, for the exclusive and limited purpose of allowing the parties in this case to seek court approval of the proposed confidential wrongful death settlement.

8. The granting of this motion would not lift or otherwise impact the stay in any other matter.

WHEREFORE, Defendants Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. ask that this Court lift the stay entered by Order dated November 30, 2018, but only to the extent it applies to Tia Coleman, individually, and as Administrator, Personal Representative and

Beneficiary of the Estates of Glenn Coleman, Reece Coleman, Evan Coleman, and Arya Coleman for the exclusive and limited purpose of allowing the parties in this action to seek Court approval of the confidential wrongful death settlement.

Dated: August 26, 2019

Respectfully submitted,

LASHLY & BAER, P.C.

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and Branson Duck Vehicles, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be furnished to all counsel of record herein through the CM-ECF system of the United States District Court for the Western District of Missouri.

/s/ Terrance J. Good